UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,708	01/18/2001	Katherine G. August	August 35	7584

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER
PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/764,708	AUGUST, KATHERINE G.
	Examiner	**Art Unit**	
	Joseph T. Phan	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 February 2006*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-15,17-32 and 34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-15,17-32 and 34* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 1 and 18 objected to because of the following informalities:

Claims 1 and 18 recite the phrase "always connected" in line 6. Using quotation marks

around phrases does not conform to current US practices as it is not known if the

phrase has a specific use only in applicant's invention(e.g. the phrase is displayed on a

device's screen or if a device is always connected to a call). Appropriate correction is

required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 1 and 18 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 1 and 18 lines 9 and 11 recite the phrase "the particular call flow step". It

is not known if the phrase is referring to "a particular system state" in line 4 or if it is

referring to one of the "plurality of possible steps in a call flow" in line 5 and therefore

makes the claim indefinite. Furthermore it is noted that these phrases were the main

points of argument in the previous response by the applicant and therefore needs full

clarification in the claims. Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

Claims 1-15, 17-32, and 34 rejected under 35 U.S.C. 102(e) as being anticipated

by Beith et al., Patent #6,449,496.

Regarding claim 1, Beith teaches a method for permitting a subscriber to perform

an action available on a communications network using a spoken utterance, comprising:

maintaining a system state database comprising a tree structure having a plurality of

nodes*(602 and 608 of Fig.6)*, each respective node of said plurality of nodes

representing a particular system state of a plurality of possible system states, each state

comprising a plurality of possible steps in a call flow, including an "always connected"

state in which a feature may be accessed even when a call is not in progress and being

associated with a predetermined note-specific grammar for the respective node *(103*

Fig.6, 320 Fig.7a, Fig.9a, and col.12 lines 5-7; "wake up" or 'sleep' is always available;

node 320 has a plurality of possible steps-e.g steps 326,322, or 352; node 608-

voicebook of Fig.6 has many call flow steps as shown in Fig.9a; voicebook steps);

awaiting from the subscriber a spoken utterance at the particular call flow step

and recognizing the spoken utterance by comparing the spoken utterance to the

predetermined grammar for the respective node for correspondence to the particular

call flow step(Fig.7a/7b and col.6 line 21-col.7 line 11; and

performing an action at the network represented by the spoken utterance if the spoken

utterance has been recognized as the predetermined grammar for the respective node,

wherein the action activates a control sequence at the network for accessing a feature

available on the network(col.9 line 60-col.10 line 41).

Regarding claim 2, Beith teaches the method of claim 1, further comprising, after

recognizing the spoken utterance, converting the spoken utterance to

electronically-readable data having a format recognizable by one of the network, and

transmitting the converted data to the respective one of the network network (fig.7a/7b,

col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 3, Beith teaches the method of claim 1, wherein the spoken

utterance comprises a command to access one of a plurality of features on the network

and a spoken menu of the available features(fig.7a/7b, col.6 line 21-col.7 line 11, and

col.9 line 60-col.10 line 41).

Regarding claim 4, Beith teaches the method of claim 3, wherein the feature

comprises one of a group consisting of call forwarding, hold, conferencing, voice-mail,

call back, caller-ID, caller-ID related features and caller-ID related functions network

(608 Fig.6 or 200 of Fig.8).

Regarding claim 5, Beith teaches the method of claim 1, wherein the

node-specific grammar associated with each respective node comprises at least one of

a group consisting of a word descriptive of the action to be performed, a synonym of the

word, and a globally-available word available at all of said plural nodes(fig.7a/7b, col.6

line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 6, Beith teaches the method of claim 1, wherein the

predetermined grammar for the particular node comprises grammar for multiple

languages (fig.7a/7b, each node has multiple programming languages).

Regarding claim 7, Beith teaches the method of claim 6, wherein the spoken

utterance of the subscriber is in one of the multiple languages, and the method further

comprises the steps of: determining the one of the multiple languages of the spoken

utterance of the subscriber; and communicating via the network with the subscriber via

a text-to-speech translator that translates in the determined one language of the

subscriber(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 8, Beith teaches the method of claim 1, further comprising

determining a particular template to use for speech recognition from a plurality of

predefined voice pattern templates, wherein the particular template comprises a subset

of the predetermined grammar for the respective node, and wherein the step of

recognizing the spoken utterance comprises comparing the spoken utterance to the

predetermine subset of the predetermined grammar for the respective node(fig.7a/7b,

col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 9, Beith teaches the method of claim 8, wherein the plurality of

predefined voice pattern templates comprises independent templates for males,

females, and children(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line

41).

Regarding claim 10, Beith teaches the method of claim 1, further comprising the
step of prompting the subscriber to issue the spoken utterance using one of a group
consisting of a spoken menu generated by a text to speech translator, a recorded
announcement of a menu, and a synthesized announcement of the menu(fig.7a/7b,
col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 11, Beith teaches the method of claim 1, further comprising the
steps of: transmitting, by the network, a signal to the subscriber in a data format not
audibly recognizable by the subscriber; and converting the transmitted signal to an
audible message recognizable to the subscriber using one of a text to speech translator,
a recording of speech, and a speech synthesizer (fig.7a/7b, col.6 line 21-col.7 line 11,
and col.9 line 60-col.10 line 41).

Regarding claim 12, Beith teaches the method of claim 11, wherein the signal
transmitted by the network to 2 the subscriber comprises one of the group consisting of
an ADSI signal and a DTMF signal (fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line
60-col.10 line 41).

Regarding claim 13, Beith teaches the method of claim 1, wherein the action
performed comprises transmitting, by the network, of a signal to a second
network(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 14, Beith teaches the method of claim 1, wherein the method is
performed by a speech recognition system, and the method further comprises the step
of providing to the subscriber an ability to operatively toggle on and off the speech
recognition system(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 15, Beith teaches the method of claim 1, wherein the system

state database is located on a speech processing unit coupled to the network through

one of the group consisting a local communications office equipment, the Internet, a

computer, a mobile phone, a headset, a handset, a base station, a set-top box, a

personal digital assistant, an appliance, and a remote control, and wherein said step of

comparing the spoken utterance is performed at the location of the system state

database(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 17, Beith teaches the method of claim 1, further comprising:

inputting a key input, and wherein the step of performing the action comprises

performing the action in accordance with the spoken utterance and the key

input(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 18, Beith teaches a communications system providing speech

recognition functionality to a network, comprising:

a device coupled to the network and into which an utterance may be spoken by a

user, a system state database accessible to the network and defining a tree structure

 having a plurality of nodes(Fig.1), each respective node of said plural nodes

representing a particular step of a plurality of possible system states and being

associated with a predetermined node specific grammar for the respective node *(103*

Fig.6, 320 Fig.7a, Fig.9a, and col.12 lines 5-7; "wake up" or 'sleep' is always available;

node 320 has a plurality of possible steps-e.g steps 326,322, or 352; node 608-

voicebook of Fig.6 has many call flow steps as shown in Fig.9a; voicebook steps);

means for interpreting the user-spoken utterance and means for comparing the

interpreted spoken utterance to the predetermined grammar for the respective node

corresponding to the particular system state to recognize the spoken utterance as

corresponding to the predetermined grammar associated with the respective

node(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41); and means

for performing an action represented by the spoken utterance at the network if the

spoken utterance has been recognized as corresponding to the predetermined grammar

associated with the respective node, wherein the action activates a control sequence at

the network for accessing a feature available on the network(fig.7a/7b, col.6 line 21-

col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 19, Beith teaches the communications system of claim 18,

wherein the spoken utterance comprises one of a group consisting of a command to

access a feature available at the network, and a spoken menu of available features at

the network(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 20, Beith teaches the communications system of claim 18,

wherein the spoken utterance comprises a command to access a feature available at

the network, the feature comprising one of a group consisting of call forwarding, hold,

conferencing, voice-mail, call back, and caller-ID(608 Fig.6 or 200 of Fig.8).

Regarding claim 21, Beith teaches the communications system of claim 18,

wherein said interpreting means comprises an utterance verification engine(fig.7a/7b,

col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 22, Beith teaches the communications system of claim 18,

wherein said comparing means comprises a reference database which comprises the

predetermined node-specific grammar associated with each respective node(fig.7a/7b,

col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 23, Beith teaches the communications system of claim 22,

wherein the system state and reference databases are both maintained on a speech

processing unit coupled to the network through one of a group consisting of a local

communications office equipment, the Internet, a computer, a mobile phone, a headset,

a handset, a base station, a set-top box, a personal digital assistant, an appliance, and

a remote control(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 24, Beith teaches the communications system of claim 22,

wherein the node-specific grammar associated with each respective node comprises at

least one of a group consisting of a word that is descriptive of the action to be

performed, a synonym of said at least one word, and a globally-available word available

at all of said plural nodes(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10

line 41).

Regarding claim 25, Beith teaches the communications system of claim 18,

wherein the predetermined grammar for the particular node comprises grammar for

multiple languages(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 26, Beith teaches the communications system of claim 25,

further comprising means for determining the language of the spoken utterance of the

user, and a text-to-speech translator for translating communications from a network to

the user in the determined language of the user(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 27, Beith teaches the communications system of claim 18, further comprising means for offering the user a spoken menu of the predetermined grammar available at the respective node in the call flow(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 28, Beith teaches the communications system of claim 27, further comprising means for receiving the requested spoken menu and at least a partial text menu of the available features(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 29, Beith teaches the communications system of claim 18, further comprising means for transmitting, to the user, a signal in a data format not audibly recognizable by the user, a text to speech translator, and means for converting the transmitted signal to an audible message recognizable to the user using the text to speech translator(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 30, Beith teaches the communications system of claim 29, wherein the transmitted signal comprises one of a group consisting of an ADSI signal and a DTMF signal(col.4 lines 41-47 and col.9 lines 8-46).

Regarding claim 31, Beith teaches the communications system of claim 18, wherein the means for performing an action comprises means for transmitting a signal transmitted between networks(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10 line 41).

Regarding claim 32, Beith teaches the communications system of claim 18,

further comprising means for toggling on and off the speech recognition and

text-to-speech functionality(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10

line 41).

Regarding claim 34, Beith teaches the communications system of claim 18,

further comprising: means for inputting a key input, and wherein the means for

performing the action comprises performing the action in accordance with the spoken

utterance and the key input(fig.7a/7b, col.6 line 21-col.7 line 11, and col.9 line 60-col.10

line 41).

Response to Arguments

4.   Applicant's arguments with respect to claims 1-15, 17-32, and 34 have been

considered but are moot in view of the new ground(s) of rejection. It is noted that

examiner reserves the right to use other embodiments in Beith to read on the claims as
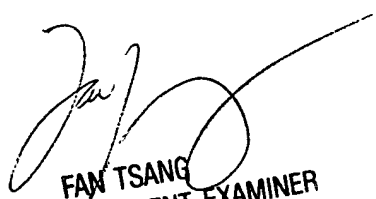
recited.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-

7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JTP
April 28, 2006

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600